



Linda S. Adams
Secretary for
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State Water Resources Control Board

Division of Water Quality

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Arnold Schwarzenegger
Governor

NOTICE OF ADOPTION HEARING **NOTICE OF FILING** **OPPORTUNITY FOR PUBLIC COMMENT**

PROPOSED STATEWIDE POLICY FOR COMPLIANCE SCHEDULES IN NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS

NOTICE IS HEREBY GIVEN THAT the State Water Resources Control Board (State Water Board) will hold a public hearing to receive comment and to consider adopting a proposed statewide Policy for Compliance Schedules in National Pollutant Discharge Elimination System (NPDES) Permits (proposed Policy). The State Water Board has made no decision regarding the proposed Policy or the contents of the supporting documents, but may take action at the hearing to adopt the proposed Policy. The location and time of the hearing are provided below.

March 18, 2008 – 10 a.m.
Cal/EPA Headquarters Building
Coastal Hearing Room – Second Floor
1001 I Street
Sacramento, CA 95814

BACKGROUND

Compliance schedules are a discretionary regulatory tool for bringing NPDES permittees into compliance with new, revised, or newly interpreted water quality standards. The purpose of a compliance schedule is to give an existing discharger a specific period of time that is as short as possible to make necessary changes in the facilities or operations in order to comply with a new, more stringent, water quality-based permit limitation without subjecting them to enforcement proceedings. A compliance schedule is included in the discharger's permit and lays out an enforceable sequence of actions or operations to be taken by the discharger in order to comply with permit limitations as rapidly as possible.

Compliance schedules may be included in NPDES permits only if there is explicit authorization in the state's water quality standards; otherwise, compliance schedules for NPDES permittees can be specified only in enforcement orders. The issuance of an enforcement order does not stay NPDES requirements, making the discharger vulnerable to mandatory minimum penalties, under certain circumstances, and citizen lawsuits. The State Water Board has adopted compliance schedule provisions for California Toxics Rule criteria for toxic pollutants, which are contained in the statewide "*Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*". In addition, six of the nine Regional Water Quality Control Boards have individually adopted NPDES compliance schedule authorizations into their respective water quality control plans that vary in their coverage, authorized length, and other provisions.

The State Water Board has identified a need for statewide uniform compliance schedule provisions and consistency in implementation of these provisions in the state's NPDES permit program. The State Water Board directed staff to develop a statewide policy that would meet this need and make better use of both stakeholder and Water Board resources by providing clear guidance on the appropriate use of compliance schedules in NPDES permits.

DOCUMENT AVAILABILITY

The proposed Policy and supporting documents are available on the State Water Board's website at <http://www.waterboards.ca.gov/npdes/index.html>. Alternatively, you may receive a paper copy in the mail by contacting Joanna Jensen at (916) 341-5557. To subscribe to an email list for future notifications about the proposed Policy, go to the State Water Board's website at http://www.waterboards.ca.gov/lyrisforms/swrcb_subscribe.html, and choose "Statewide NPDES Compliance Schedule Policy".

SUBMISSION OF WRITTEN COMMENTS

The State Water Board welcomes both written and oral comments on the proposed Policy and the content of the supporting documents. Written comments must be received by **noon on February 20, 2008** and addressed to:

Jeanine Townsend, Acting Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Write "Comment Letter – NPDES Compliance Schedule Policy" in the subject line. Electronic submission of comments, evidence, and other material is preferred. Comment letters may be submitted to the Clerk to the Board by email at commentletters@waterboards.ca.gov (if less than 15 megabytes in total size) or by fax at (916) 341-5620.

Couriers delivering comment letters must check in with lobby security personnel, who can contact Jeanine Townsend at (916) 341-5602.

PROCEDURAL MATTERS

The hearing will be informal. There will be no sworn testimony or cross-examination of participants, but the State Water Board and its staff may ask clarifying questions. Participants are encouraged to submit written comments prior to the hearing. At the hearing, participants will be given an opportunity to summarize and supplement their written materials with oral presentations. To ensure a productive and efficient hearing in which all participants have an opportunity to participate, oral presentations may be time-limited. For other presentation recommendations, go to http://www.waterboards.ca.gov/wksmtgs/board_presentations.html at the State Water Board's Web site. Questions concerning the hearing may also be directed to Joanna Jensen, Division of Water Quality, at (916) 341-5557.

PARKING AND ACCESSIBILITY

For directions to the Joe Serna, Jr. (Cal/EPA) Building and public parking information, please refer to the map on the State Water Board Web site at <http://www.calepa.ca.gov/EPAbldg/location.htm>.

The Cal/EPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5600 at least 5 working days prior to the meeting.


TDD users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922. An audio broadcast of the meeting will be available via the internet and can be accessed at: <http://www.calepa.ca.gov/broadcast/>.

All visitors to the Cal/EPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance. Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

ADDITIONAL INFORMATION

Please direct questions about this notice to Joanna Jensen at (916) 341-5557 (jjensen@waterboards.ca.gov) or Ken Harris at (916) 341-5500 (kharris@waterboards.ca.gov).

December 11, 2007
Date


Jeanine Townsend
Acting Clerk to the Board